

Serial No. 10/824,214
05 October 2004 Reply to
24 August 2004 Office Action

REMARKS

Applicants would like to thank the Examiner and his supervisor for the courteous telephone interview on September 20, 2004. During this interview, claims 1 and 12, and the applied references were discussed. Pursuant to the suggestion of the Examiner and his supervisor, Applicants agreed to amend claim 1 to include the limitation "without contact with the ocular surface" to the "exposing" and "detecting" steps of claim 1 to further distinguish over Abreu. Pending an updated search, this amendment should put the claims in condition for allowance.

Claims 1-11 and 13 are pending in the present application. Claims 1-5, 7-9, and 12-13 stand rejected under 35 U.S.C. 102(b), claims 6 and 10-11 stand rejected under 35 U.S.C. 103(a), and claims 1-12 stand rejected under obviousness-type double patenting. Claims 1 and 11 have been amended. Claim 12 has been cancelled.

Applicants respectfully request reconsideration and allowance of the above-identified application in view of the above amendments and the following remarks.

35 U.S.C. 102(b); Abreu; Claims 1-5, 7-9, 12-13

Pursuant to the interview with the Examiner and his supervisor on September 20, 2004 and their suggestion during the interview, claim 1 has been amended to include the limitation "without contact with the ocular surface" to the combined "exposing" and "detecting" steps of claim 1 to further distinguish over Abreu, which contacts the ocular surface during the combined "exposing" and "detecting" steps. Therefore, Abreu does not teach each and every element of claims, and reconsideration and allowance is respectfully requested. Because claim 1 should be in condition for allowance, Applicants do not address the other dependent claims, and respectfully submit that they do not acquiesce to any of the positions set forth by the Examiner with respect to these claims.

35 U.S.C. 103(a); Abreu/Wilke; Claims 6, 10-11:

For the reasons set forth with respect to claims 1-5, 7-9, and 12-13 above, and because Wilke adds nothing in regard to the added amendments to the claims, the combination of the cited references does not achieve the claimed invention. Reconsideration and allowance is respectfully

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requested. Applicants respectfully submit that they do not acquiesce to any of the positions set forth with respect to the rejection, nor the motivation for combining the references in the manner applied.

Obviousness-type double patenting; Claim 12:

In regard to this rejection, Applicants have cancelled claim 12, making this rejection moot.

Obviousness-type double patenting; Claims 1-11:

In regard to this rejection, a terminal disclaimer is enclosed. Applicants respectfully submit that they do not acquiesce to any of the positions set forth with respect to the rejection.

CONCLUSION

On the basis of the above amendments and remarks, reconsideration and allowance of the application is believed to be warranted and such action is respectfully requested. The Examiner is respectfully urged to contact the undersigned if he has any questions or issues with respect to the above amendment.

Respectfully submitted,

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